

MINUTES  
Waukesha County Stormwater Advisory Committee Meeting  
November 15, 2004

The meeting was called to order by chairman Perry Lindquist at 1:10 p.m. With Gary Goodchild from WE Energies joining the group, Perry had everyone introduce themselves. The following committee members were present:

Jim D'Antuono – Wisconsin Department of Natural Resources  
Perry Lindquist – Waukesha County Land Resources  
Mike Hahn – SE Wisconsin Regional Planning Commission  
Kevin Yanny – Waukesha County Public Works  
Norm Hanson – Welch, Hanson and Associates  
Paul Day – City of Waukesha  
Curt Bolton – Village of Sussex  
Tim Barbeau – R.A. Smith and Associates  
Kurt Peot - Ruekert & Mielke, Inc.  
Richard Mace – Waukesha County Planning and Zoning  
John Siepmann – Siepmann Realty Corporation  
Randy Videkovich - Earth Tech Inc.  
Gary Goodchild – WE Energies

Others present:

Debbie Price – Waukesha County Corporation Counsel  
Mark Jenks - Waukesha County Land Resources (recorder)  
Leif Hauge - Waukesha County Land Resources  
Gina Hansen – Metropolitan Builders Association

**Minutes**

Minutes of the October 18, 2004 meeting were e-mailed to group prior to the meeting. Perry asked if there were any suggested changes or comments on the minutes. A point of clarification was suggested for a comment attributed to Tom Chapman in an email to Perry since Tom was unable to attend the October 18 meeting. With that modification, the minutes were approved by consensus.

**Project / Program Updates:**

NR 216 Group Permits – Jim D'Antuono indicated that the NR 216 Group Permit for the Upper Fox River was issued on November 1, 2004.

Waukesha County Floodplain Mapping Project – Mike Hahn indicated that the floodplain mapping project in Waukesha County is moving ahead. Dick Mace and Perry indicated that the topic had come up at a recent managers meeting they attended and there was some difference of opinion between the SEWRPC priority ranking of the streams and county staff. The need for future maintenance was also discussed. It is hoped that a process or methodology can be developed that will prevent the mapping project from quickly becoming outdated due to bridge or culvert replacement projects in the future.

### **Follow-up DNR questions from October 18 meeting:**

As a follow-up to questions that were asked at the October 18 meeting, Perry and Jim D'Antuono informed the group that the "more stringent" language in the "Authority" section needed to stay in the ordinance to allow for future changes to the DNR rules, which would supercede a local ordinance. Perry said he would try to clarify the language and move it to the "Intent" section.

The second question needing clarification from the October 18 meeting dealt with the definition of "applicant". Past history of enforcement issues for the DNR under NR 216 has led to a very specific list of people that can sign a notice of intent, which will be covered by the definition of an "applicant" in this ordinance. When the final draft of the ordinance is prepared, this term will be reviewed for consistency with DNR requirements under NR 216.

### **Continue review of 10/11/04 draft Storm Water Management & Erosion Control Ordinance**

The group then began discussion of the draft Waukesha County ordinance starting where the discussion ended on October 18.

**Sec. 14-332.(c) Storm Water Permit Application.** Under the discussion of financial assurance found in **(G.)**, the correct reference should be **sub. 14-33(c)**. This change will be made in the next draft. John Siepmann indicated that while the ordinance allows for letters of credit as a form of financial assurance, the typical letter of credit only lasts one year. The group consensus was that this is often too short of a time frame for many construction projects. More discussion on the forms of financial assurance will occur later in the draft review.

Under the discussion of **sub.(2)** and the submittal of digital information for permit review, there was the recognition that this type of submittal is becoming more commonplace. However, there was concern expressed about how this information will be utilized and the potential for changes to be made to plans either inadvertently or deliberately. For liability reasons, engineers will place their stamp only on hard copy. Perry indicated that the purpose of asking for digital information is mainly based on project review efficiencies and file space saving.

**Sec. 14-332.(d) Certification of Compliance for Final Plat or CSM.** Perry began the discussion on this section by indicating that all of the text presented in the draft form should have been shaded to indicate it is new. The reference to 20,000 square feet will be changed to .5 acres to be consistent with the rest of the ordinance. Also, an item should be added to indicate **"C. Any new road project"** as one of the types of projects requiring LRD compliance certification before the County Zoning Administrator or the town plan commission approves a CSM. Deb Price suggested that this section is misplaced and may need further clarification regarding its role in the storm water permit process. Perry noted that a similar policy has been in place for several years to address storm water related accuracy issues in land division documents. After more discussion about this section, it was agreed to pursue moving it to a separate section.

**Sec. 14-332.(e) Fees.** The definition of "publicly funded" is not yet finalized. Will need to agree upon a definition for inclusion here.

**Sec. 14-332.(f) Application Review Processes.** The initial portion of this section of the ordinance is all new language that documents the preliminary review letter and certification of compliance processes. Basically, the Land Resources Division has 10 working days from the submittal of a complete application to respond with a preliminary review letter to the County Park and Planning Commission or the County Zoning Administrator. There was discussion about adding Town Planning Commission as well. Deb Price was asked to provide the appropriate definition of “town plan commission” or just “town”. There was also discussion about the need to get the Public Works Department involved sooner in the review process. Land Resources and Public Works will discuss possibilities during an upcoming meeting.

**(f)(1.)(D.)** Under this section the “shall” will be changed to “may”.

**(f)(1.)(D.)(ii.)** Change to read “Disapprove the plat or the CSM.”

**(f)(2.)** During discussion the topic of utilities was raised. Gary Goodchild asked if cooperative working agreements could be developed with utility companies to streamline the permitting process or the process for exemptions for utility companies. These could possibly be modeled after cooperative working agreements already in place or similar to one to be possibly considered between Public Works and Land Resources. It was agreed that this was worth considering at a future time.

**Hey & Associates draft language regarding “drainage system requirements”**

Since Neal O'Reilly was not here to explain the draft language he presented on this topic, Perry asked only for general comments so he could consider them in drafting the next sections of the ordinance. It was generally agreed to put minimal language in the ordinance regarding site drainage and to reference other available standards as much as possible to avoid the need for future updates.

Following a short break, the group resumed discussion of the ordinance.

**Sec. 14-333. Storm Water Permit Requirements.** Perry noted that there is currently no definition of “permit holder” since he was originally thinking this could be defined on the application. However, with the clarification of the “applicant”, it was agreed that we may want to keep these two terms consistent. Perry will research this further.

**(a)(7.) Inspection Log.** As part of the new requirements under NR 216, permit holders must maintain an inspection log for construction sites to document maintenance efforts of erosion control practices. Once the site is stabilized, this provision ends and maintenance of permanent storm water practices refers to the provisions of the recorded maintenance agreement.

After completing review of sec. 14-333(a), the meeting was adjourned at 3:35 pm.

**Future Meeting Date:**

The next meeting was scheduled for Monday, December 6 at 1:00 PM.